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10 *Attorneys for Defendant*

11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE DISTRICT OF NEVADA**

13  
14 OLIVER BRUCE MORRIS,

15 Plaintiff,

16 v.

17 DANIEL B. SMITH, *in his official capacity as*  
18 *Acting Secretary of State,*<sup>1</sup>

19 Defendant.  
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Case No. 2:19-cv-00569-GMN-DJA

**DEFENDANT'S UNOPPOSED  
MOTION FOR EXTENSION OF TIME  
TO FILE A NOTICE OF APPEAL**

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27 <sup>1</sup> Daniel B. Smith became Acting Secretary of State on January 20, 2021, and is automatically substituted  
28 as defendant for Michael R. Pompeo under Federal Rule of Civil Procedure 25(d).

Defendant Daniel B. Smith, in his official capacity as Acting Secretary of State, respectfully requests a twenty-eight day extension of time (i.e., until February 19, 2021) to file any notice of appeal of this Court's Order and Judgment dated November 23, 2020, ECF Nos. 32, 33. At present, any notice of appeal is due this Friday, January 22, 2021. *See* Fed. R. App. P. 4(a)(1)(B)(iii). However, good cause exists to extend this deadline to February 19, 2021. *See* Fed. R. App. P. 4(a)(5)(A). The Solicitor General's decision to authorize an appeal involves consultation with the Department of State and components within the Department of Justice. On January 20, 2021, due to the change in administration, there is new leadership at the Department of State and the Department of Justice. In this case, the deadline to file a notice of appeal falls just two days after the presidential transition, which leaves insufficient time for the incoming administration to complete the process for deciding whether to appeal. The Government therefore requests an extension of the deadline for filing a notice of appeal so that new officials in these Departments have sufficient time to become familiar with the issues in this case. An extension of this deadline should not prejudice Plaintiff, who has already received judgment in his favor. Indeed, the Department of State has already provided Plaintiff with instructions on how to submit updated application materials so that it may reconsider the application consistent with the Court's November 23, 2020 order. Counsel for Plaintiff has indicated that Plaintiff agrees to this request for an extension of time.

Accordingly, Defendant seeks a 28-day extension of the deadline to file any notice of appeal to February 19, 2021.

This is the first motion for extension of time to file a notice of appeal.

Dated: January 21, 2021

Respectfully Submitted,

BRIAN M. BOYNTON  
Acting Assistant Attorney General  
Civil Division

ANTHONY J. COPPOLINO  
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**Defendant's Unopposed Motion for Extension of Time, *Morris v. Smith*, No. 19-0569**

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 21, 2021, I electronically filed and served the foregoing Motion for Extension of Time with the Clerk of the Court for the United States District Court for the District of Nevada using the CM/ECF system.

*Benjamin T. Takemoto*  
BENJAMIN T. TAKEMOTO

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

OLIVER BRUCE MORRIS,

Plaintiff,

v.

DANIEL B. SMITH, *in his official capacity as  
Acting Secretary of State,*

Defendant.

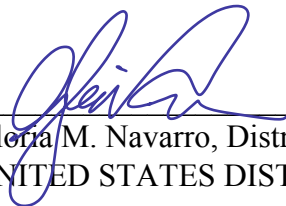
Case No. 2:19-cv-00569-GMN-DJA

**[PROPOSED] ORDER**

1 For the reasons stated in Defendant's Unopposed Motion for an Extension of Time to File a Notice  
2 of Appeal, the Court grants that motion. Defendant has until February 19, 2021 to file any notice of appeal  
3 regarding this Court's Order and Judgment dated November 23, 2020, ECF Nos. 32, 33.

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5 **IT IS SO ORDERED.**

6 Dated this 21 day of January, 2021

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10 Gloria M. Navarro, District Judge  
11 UNITED STATES DISTRICT COURT  
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